

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRIAM ZAYAS,

Plaintiff,

v.

CITY OF SEATTLE, *et al.*,

Defendants.

CASE NO. C24-1613-JCC

ORDER

This matter comes before the Court on the referral notice from the United States Court of Appeals for the Ninth Circuit (Dkt. No. 13), who referred this matter to determine whether *in forma pauperis* status should continue. (*Id.*)

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “[A]n appeal is not taken in good faith . . . if there is some evident improper motive or if no issue is presented which is not plainly frivolous.” *Tweedy v. United States*, 276 F.2d 649, 651 (9th Cir. 1960); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (“If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted.”).

This Court, following an order to show cause and the filing of Plaintiff’s amended complaint, dismissed this case based on inadequately pleaded subject matter jurisdiction (and alternatively for failing to state a claim). (Dkt. No. 9 at 3.) Plaintiff now seeks review of this

1 decision. (*See* Dkt. No. 11.) But the Court continues to find that Plaintiff's complaint lacks an
2 arguable basis in law and, as such, is frivolous for purposes of acquiring *in forma pauperis* status
3 on appellate review. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

4 Accordingly, the Court CERTIFIES that Plaintiff's appeal is not taken in good faith and
5 REVOKES her *in forma pauperis* status. The Court respectfully DIRECTS the Clerk to send this
6 order to the Court of Appeals. The Court further DIRECTS the Clerk to send a copy of this order
7 to Plaintiff.

8 DATED this 17th day of December 2024.

9
10
11 

12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26